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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,394	02/13/2004	Cory J. Doble	582AC [2681.3171.001]	9010

7590 03/27/2007  
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EXAMINER
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HWU, DAVIS D

ART UNIT	PAPER NUMBER
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3752

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/779,394

Applicant(s)

DOBLE ET AL.

Examiner

Davis D. Hwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-21, 23, 25-33 and 35-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-11, 13, 14, 33 and 35-38 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 32 and 39 is/are rejected.
- 7) ☒ Claim(s) 15-21, 23 and 25-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. Applicant's amendment and arguments of February 26, 2007 are acknowledged and entered.
2. Applicant's arguments regarding claim 32 have been considered but are moot in view of the new ground(s) of rejection.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

4. Claims 1, 2, 32, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reef et al. in view of Fournier et al.

Reef et al. discloses a fuel pump module comprising a reservoir 16, a high pressure fuel pump 14, and a jet pump 10 as recited supplying fuel to the reservoir, the jet pump having a nozzle having an outlet and an inlet in fluid communication with the outlet of the high pressure fuel pump 14. Reef et al. do not disclose at least one restrictor plate as recited. Fournier et al. teach a fuel pump module comprising a reservoir 26, a nozzle 28 supplying fuel to the reservoir, a high pressure fuel pump 14 having an inlet communicating with the reservoir and having an outlet of pressurized fuel, and a restrictor plate 30 between the outlet of the fuel pump and the inlet of the nozzle 28. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Reef et al. by incorporating a restrictor plate between the outlet of the fuel pump and the inlet of the nozzle of the jet pump as taught by the concept of Fournier et al. to control fuel flow. Reef et al. also discloses the

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reservoir 16 having an inlet and the outlet of the nozzle being generally adjacent the inlet of the reservoir as recited in claim 2.

***Allowable Subject Matter***

5. Claims 15-21, 23, and 25-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 3-11, 13, 14, 33, and 35-38 are allowed.

***Response to Arguments***

7. Applicant's arguments filed February 26, 2007 have been fully considered but they are not persuasive. Regarding the argument of the rejection of claim 1, Fournier teaches a nozzle 28 which feeds by-passed fuel into reservoir 26 as stated by the Applicant with the nozzle 28 having an inlet. The fuel from the reservoir passes through filter 92 and orifice plate 30 and into the fuel pump 14 from where fuel is dispensed to the engine and thus completing a fuel circuit starting from nozzle 26 to the conduit 24 which supplies the fuel to the engine. Therefore, Fournier teaches incorporating an restrictor plate in a fuel circuit of a fuel transfer arrangement to control the flow of fuel in which the use of restrictor plates in fuel transfer arrangements are well know in the art to held control the flow of fuel.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

  
**DAVIS HWU**  
**PRIMARY EXAMINER**